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## Appendix 1A. Filing Requirements and Proper Sequence of Documents for Cases Filed under Chapters 7 (voluntary), 11, 12, or 13.

A debtor who is not represented by an attorney should use the checklists below to ensure he or she submits to the Clerk for filing all required documents by the appropriate deadline. Documents due when the petition is filed should be submitted in the sequence listed.

Attorneys must file all documents electronically. The attorney should ensure his bankruptcy software generates only the documents listed below and in the correct sequence. The attorney should also utilize these checklists to ensure all required documents are filed by the appropriate deadline.

Chapter 7 (voluntary)	.....
Chapter 11 [ <i>not</i> a Small Business Case as defined by 11 U.S.C. § 101(51C) and (51D)]	.....
Chapter 11 - Small Business Case [as defined by 11 U.S.C. § 101(51C) and (51D)]	.....
Chapter 12	.....
Chapter 13	.....

Link to Official Forms:

[www.uscourts.gov/bkforms/index.html](http://www.uscourts.gov/bkforms/index.html)

Link to Local Forms:

[www.sdb.uscourts.gov/nlocal forms.htm](http://www.sdb.uscourts.gov/nlocal%20forms.htm)

### Chapter 7 Case (voluntary)

#### **DUE AT FILING:**

- ☐ **Voluntary Petition** with all required signatures. Official Form 1. A corporation, partnership, or other formal legal entity may not file a petition *pro se*, but must be represented by an attorney.
- ☐ **Exhibit A** attachment to petition regarding periodic reports to the Securities and Exchange Commission, if applicable. Official Form 1, Exhibit A.
- ☐ **Exhibit C** attachment to petition regarding possession of property that poses public harm, if applicable. Official Form 1, Exhibit C.
- Exhibit D** attachment to petition (individual debtors only). Official Form 1, Exhibit D.
- ☐ **Statement of Social Security Number** (*pro se* debtors only). Official Form 21.
- ☐ **Certificate of Credit Counseling** from an approved nonprofit budget and credit counseling agency and, if one was prepared by the counseling agency, a copy of the debt repayment plan (individual debtors only). See 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).

- ☐ **Declaration and Signature of Non-attorney Bankruptcy Petition Preparer**, if applicable. Official Form 19.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer**, if applicable. Director's Form 280.
- ☐ **Mailing list of creditors.** See 11 U.S.C. § 521(a)(1)(A), Fed.R.Bankr.P. 1007(a)(1), and Bankr. D.S.D. R. 1007-2 and Appendix 1E.
- ☐ **Statement of Corporate Ownership** (corporate debtors only). See Fed.R.Bankr.P. 1007(a)(1) and Bankr. D.S.D. R. Appendix 1C.
- ☐ **Filing fee of \$299.00, an Application to Pay the Filing Fee in Installments, OR an Application for Waiver of the Filing Fee.** If the debtor is *pro se*, the fee must be paid by cashier's check, money order, or, if hand delivered, cash. Payment must be in the exact amount. See Official Form 3A for the Application to Pay in Installments or Official Form 3B for the Application for Waiver of Filing Fee. An attorney must pay the fee by credit card. See Credit Card Payment Guide on the Court's website under CM/ECF.

**DUE NOT MORE THAN 14 DAYS AFTER PETITION IS FILED:**

- ☐ **Summary of Schedules with Statistical Summary.** Official Form 6 - Summary and Statistical Summary (two parts).
- ☐ **Schedules A through J** (schedules C, I, and J by individual debtors only). Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J.
- ☐ **Declaration Concerning Debtor's Schedules.** Official Form 6 - Declaration.
- ☐ **Statement of Financial Affairs** (with unsworn declaration). Official Form 7.
- ☐ **Chapter 7 Statement of Current Monthly Income and Means Test Calculation** (individual debtors only). Official Form 22A.
- ☐ **Copies of payment advices** (also known as employee income records or wage statements) received by the debtor from any employer within 60 days before the date of the filing of the petition (redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers) **OR a statement by the debtor that he did not receive any payments from an employer within that time** (individual debtors only). See *generally* 11 U.S.C. § 521(a)(1)(B) (iv) and Fed.R.Bankr.P. 1007(b)(1)(E). See Bankr. D.S.D. R. Appendix 1B for a sample statement for submitting copies of the payment advices or disclosing no payment advices were received.
- ☐ **Record of any interest the debtor has in an "education individual retirement account" or under a "qualified state tuition program"** (if applicable). See 11 U.S.C. § 521(c) and Fed.R.Bankr.P. 1007(b)(1)(F).

- ☐ **Disclosure of Compensation** by the debtor's attorney. *See* 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), Bankr. D.S.D. R. 2016-1(a) and Appendix 2J.

**DUE NOT MORE THAN 30 DAYS AFTER PETITION IS FILED:**

- ☐ **Statement of Intention** (individual debtors only). Official Form 8.

**DUE NOT MORE THAN 45 DAYS AFTER THE FIRST DATE SET FOR THE MEETING OF CREDITORS UNDER 11 U.S.C. § 341:**

- ☐ **Certification of Completion** [post-petition] **of Instructional Course Concerning Personal Financial Management**. Official Form 23. *See* 11 U.S.C. §§ 109(h)(4) and 727(a)(11) and Fed.R.Bankr.P. 1007(c).

## Chapter 11

[not a Small Business Case as defined by 11 U.S.C. § 101(51C) and (51D)]

### DUE AT FILING:

- ☐ **Voluntary Petition** with all required signatures. Official Form 1. A corporation, partnership, or other formal legal entity may not file a petition *pro se*, but must be represented by an attorney.
- ☐ **Exhibit A** attachment to petition regarding periodic reports to the Securities and Exchange Commission, if applicable. Official Form 1, Exhibit A.
- ☐ **Exhibit C** attachment to petition regarding possession of property that poses public harm, if applicable. Official Form 1, Exhibit C.
- ☐ **Exhibit D** attachment to petition (individual debtors only). Official Form 1, Exhibit D.
- ☐ **Statement of Social Security Number** (*pro se* debtors only). Official Form 21.
- ☐ **Certificate of Credit Counseling** from an approved nonprofit budget and credit counseling agency and, if one was prepared by the counseling agency, a copy of the debt repayment plan (individual debtors only). See 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Declaration and Signature of Non-Attorney Bankruptcy Petition Preparer**, if applicable. Official Form 19.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer**, if applicable. Director's Form 280.
- ☐ **Mailing list of creditors.** See 11 U.S.C. § 521(a)(1)(A), Fed.R.Bankr.P. 1007(a)(1), and Bankr. D.S.D. R. 1007-2 and Appendix 1E.
- ☐ **Statement of Corporate Ownership** (corporate debtors only). See Fed.R.Bankr.P. 1007(a)(1) and Bankr. D.S.D. R. Appendix 1C.
- ☐ **Statement of Authority to File** (corporate or other formal legal entities only). Generally, this will be a copy of a signed and dated corporate resolution or meeting minutes authorizing the filing of the petition.
- ☐ **List of Creditors Holding 20 Largest Unsecured Claims.** Official Form 4. See Fed.R.Bankr.P. 1007(d).
- ☐ **Filing fee of \$1,039.00** or, if the debtor is an individual, **an Application to Pay Filing Fee in Installments.** If the debtor is *pro se*, the fee must be paid by cashier's check, money order, or, only if hand delivered, cash. Payment must

be in the exact amount. See Official Form 3A for the Application to Pay Filing Fee in Installments. An attorney must pay the fee by credit card. See Credit Card Payment Guide on the Court's website under CM/ECF.

**DUE NOT MORE THAN 14 DAYS AFTER PETITION IS FILED:**

- ☐ **Summary of Schedules with Statistical Summary.** Official Form 6 - Summary and Statistical Summary (two parts).
- ☐ **Schedules A through J** (schedules C, I, and J for individual debtors only). Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J.
- ☐ **Declaration Concerning Debtor's Schedules.** Official Form 6 - Declaration.
- ☐ **Statement of Financial Affairs** (with unsworn declaration). Official Form 7.
- ☐ **List of Equity Security Holders** (debtors who are formal legal entities only, *e.g.*, a corporation). See Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Chapter 11 Statement of Current Monthly Income** (individual debtors only). Official Form 22B.
- ☐ **Copies of payment advices** (also known as employee income records or wage statements) received by the debtor from any employer within 60 days before the date of the filing of the petition (redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers) **OR a statement by the debtor that he did not receive any payments from an employer within that time** (individual debtors only). See *generally* 11 U.S.C. § 521(a)(1)(B) (iv) and Fed.R.Bankr.P. 1007(b)(1)(E). See Bankr. D.S.D. R. Appendix 1B for a sample statement for submitting copies of the payment advices or disclosing no payment advices were received.
- ☐ **Record of any interest the debtor has in an "education individual retirement account" or under a "qualified state tuition program"** (if applicable). See 11 U.S.C. § 521(c) and Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation** by the debtor's attorney. See 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1 and Appendix 2K.
- ☐ **Application(s) to employ** the debtor's attorney, accountant, or other professionals. The application should be filed before any post-petition services are rendered. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

**DUE NOT MORE THAN 120 DAYS AFTER PETITION IS FILED:**

- ☐ **Plan and Disclosure Statement**, if the debtor wants to preserve the exclusive right to file a plan. See 11 U.S.C. § 1121(b).



**DUE BEFORE THE LAST PAYMENT UNDER DEBTOR'S PLAN *OR* THE FILING OF A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1141(d)(5)(C):**

- ☐ **Certification of Completion of [post-petition] Instructional Course Concerning Personal Financial Management** (individual debtors only). Official Form 23. See 11 U.S.C. §§ 109(h)(4), 727(a)(11), and 1141(d)(3) and Fed.R.Bankr.P. 1007(c).

**DUE UPON COMPLETION OF PLAN PAYMENTS *OR* THE FILING OF A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1141(d)(5)(B):**

- ☐ **Statement concerning pending proceedings** of the kind described in 11 U.S.C. § 522(q)(1), if applicable. Required if the debtor is an individual and has claimed a homestead exemption in excess of \$136,875.00. See 11 U.S.C. § 522(b)(3). If plan payments have been completed, the required statement is incorporated into the Debtor's Certification and Request for Discharge and Entry of Final Decree set forth below.

**DUE UPON COMPLETION OF PLAN PAYMENTS:**

- ☐ **Certification and Request for Discharge and Entry of Final Decree** (individual debtors only). See 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1141(d)(5).

**Chapter 11 - Small Business Case**  
[as defined by 11 U.S.C. § 101(51C) and (51D)]

**DUE AT FILING:**

- ☐ **Voluntary Petition** with all required signatures. Official Form 1. A corporation, partnership, or other formal legal entity may not file a petition *pro se*, but must be represented by an attorney.
- ☐ **Exhibit A** attachment to petition regarding periodic reports to the Securities and Exchange Commission, if applicable. Official Form 1, Exhibit A.
- ☐ **Exhibit C** attachment to petition regarding possession of property that poses public harm, if applicable. Official Form 1, Exhibit C.
- ☐ **Exhibit D** attachment to petition (individual debtors only). Official Form 1, Exhibit D.
- ☐ **Statement of Social Security Number** (*pro se* debtors only). Official Form 21.
- ☐ **Certificate of Credit Counseling** from an approved nonprofit budget and credit counseling agency and, if one was prepared by the counseling agency, a copy of the debt repayment plan (individual debtors only). See 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Declaration and Signature of Non-attorney Bankruptcy Petition Preparer**, if applicable. Official Form 19.
- ☐ **Disclosure of Compensation of Bankruptcy Petition Preparer**, if applicable. Director's Form 280.
- ☐ **Mailing list of creditors.** See 11 U.S.C. § 521(a)(1)(A), Fed.R.Bankr.P. 1007(a)(1), and Bankr. D.S.D. R. 1007-2 and Appendix 1E.
- ☐ **Statement of Authority to File** (corporate or other formal legal entities only). Generally, this will be a copy of a signed and dated corporate resolution or meeting minutes authorizing the filing of the petition.
- ☐ **Statement of Corporate Ownership** (corporate debtors only). See Fed.R.Bankr.P. 1007(a)(1) and Bankr. D.S.D. R. Appendix 1C.
- ☐ **List of Creditors Holding 20 Largest Unsecured Claims.** Official Form 4. See Fed.R.Bankr.P. 1007(d).
- ☐ **Filing fee of \$1,039.00 or, if the debtor is an individual, an Application to Pay Filing Fee in Installments.** If the debtor is *pro se*, the fee must be paid by cashier's check, money order, or, only if hand delivered, cash. Payment must

be in the exact amount. See Official Form 3A for the Application to Pay Filing Fee in Installments. An attorney must pay the fee by credit card. See Credit Card Payment Guide on the Court's website under CM/ECF.

**DUE NOT MORE THAN 14 DAYS AFTER PETITION IS FILED:**

- ☐ **Summary of Schedules with Statistical Summary.** Official Form 6 - Summary and Statistical Summary (two parts).
- ☐ **Schedules A through J** (schedules C, I, and J for individual debtors only). Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J.
- ☐ **Declaration Concerning Debtor's Schedules.** Official Form 6 - Declaration.
- ☐ **Statement of Financial Affairs** (with unsworn declaration). Official Form 7.
- ☐ **List of equity security holders** (corporate debtors only). See Fed.R.Bankr.P. 1007(a)(3).
- ☐ **Chapter 11 Statement of Current Monthly Income** (individual debtors only). Official Form 22B.
- ☐ **Copies of payment advices** (also known as employee income records or wage statements) received by the debtor from any employer within 60 days before the date of the filing of the petition (redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers) **OR a statement by the debtor that he did not receive any payments from an employer within that time** (individual debtors only). See *generally* 11 U.S.C. § 521(a)(1)(B) (iv) and Fed.R.Bankr.P. 1007(b)(1)(E). See Bankr. D.S.D. R. Appendix 1B for a sample statement for submitting copies of the payment advices or disclosing no payment advices were received.
- ☐ **Statement Regarding Business Records under 11 U.S.C. § 1116(1)** with most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return attached and sworn statement as to any such records that were not prepared or filed. See Bankr. D.S.D. R. Appendix 1D.
- ☐ **Record of any interest the debtor has in an "education individual retirement account" or under a "qualified state tuition program"** (if applicable). See 11 U.S.C. § 521(c) and Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation** by the debtor's attorney. See 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b) and Bankr. D.S.D. R. 2016-1 and Appendix 2K.
- ☐ **Application(s) to employ** the debtor's attorney, accountant, or other professionals. The application should be filed before any post-petition services are rendered. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a) and Bankr. D.S.D. R. 2014-1.

**DUE NOT MORE THAN 180 DAYS AFTER PETITION IS FILED:**

- ☐ **Disclosure Statement**, if one is required. See 11 U.S.C. § 1125(f).
- ☐ **Plan**, if the debtor wants to preserve the exclusive right to file a plan. See 11 U.S.C. § 1121(e)(1).

**DUE NOT MORE THAN 300 DAYS AFTER PETITION IS FILED:**

- ☐ **Disclosure Statement**, if one is required. See 11 U.S.C. § 1125(f).
- ☐ **Plan**. See 11 U.S.C. § 1121(e)(2).

**DUE BEFORE THE LAST PAYMENT UNDER DEBTOR'S PLAN OR THE FILING OF A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1141(d)(5)(C):**

- ☐ **Certification of Completion of [post-petition] Instructional Course Concerning Personal Financial Management** (individual debtors only). Official Form 23. See 11 U.S.C. §§ 109(h)(4), 727(a)(11), and 1141(d)(3) and Fed.R.Bankr.P. 1007(c).

**DUE UPON COMPLETION OF PLAN PAYMENTS OR THE FILING OF A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1141(d)(5)(B):**

- ☐ **Statement concerning pending proceedings** of the kind described in 11 U.S.C. § 522(q)(1), if applicable. Required if the debtor is an individual and has claimed a homestead exemption in excess of \$136,875.00. See 11 U.S.C. § 522(b)(3). If plan payments have been completed, the required statement is incorporated into the Debtor's Certification and Request for Discharge and Entry of Final Decree set forth below.

**DUE UPON COMPLETION OF PLAN PAYMENTS:**

- ☐ **Certification and Request for Discharge and Entry of Final Decree** (individual debtors only). See 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1141(d)(5).

## Chapter 12

### DUE AT FILING:

- ☐ **Voluntary Petition** with all required signatures. Official Form 1. A corporation, partnership, or other formal legal entity may not file a petition *pro se*, but must be represented by an attorney.
- ☐ **Exhibit A** attachment to petition regarding periodic reports to the Securities and Exchange Commission, if applicable. Official Form 1, Exhibit A.
- ☐ **Exhibit C** attachment to petition regarding possession of property that poses public harm, if applicable. Official Form 1, Exhibit C.
- ☐ **Exhibit D** attachment to petition (individual debtors only). Official Form 1, Exhibit D.
- ☐ **Statement of Social Security Number** (*pro se* debtors only). Official Form 21.
- ☐ **Certificate of Credit Counseling** from an approved nonprofit budget and credit counseling agency and, if one was prepared by the counseling agency, a copy of the debt repayment plan (individual debtors only). See 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Declaration and Signature of Non-attorney Bankruptcy Petition Preparer**, if applicable. Official Form 19.
- ☐ **Mailing list of creditors.** See 11 U.S.C. § 521(a)(1)(A), Fed.R.Bankr.P. 1007(a)(1), and Bankr. D.S.D. R. 1007-2 and Appendix 1E.
- ☐ **Statement of Corporate Ownership** (corporate debtors only). See Fed.R.Bankr.P. 1007(a)(1) and Bankr. D.S.D. R. Appendix 1C.
- ☐ **Filing fee of \$239.00 or, if the debtor is an individual, an Application to Pay Filing Fee in Installments.** If the debtor is *pro se*, the fee must be paid by cashier's check, money order, or, only if hand delivered, cash. Payment must be in the exact amount. See Official Form 3A for the Application to Pay Filing Fee in Installments. An attorney must pay the fee by credit card. See Credit Card Payment Guide on the Court's website under CM/ECF for information regarding an attorney's payment by credit card.

### DUE NOT MORE THAN 14 DAYS AFTER PETITION IS FILED:

- ☐ **Summary of Schedules with Statistical Summary.** Official Form 6 - Summary and Statistical Summary (two parts).
- ☐ **Schedules A through J** (schedules C, I, and J by individual debtors only).

Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J.

- ☐ **Declaration Concerning Debtor's Schedules.** Official Form 6 - Declaration.
- ☐ **Statement of Financial Affairs** (with unsworn declaration). Official Form 7.
- ☐ **Copies of payment advices** (also known as employee income records or wage statements) received by the debtor from any employer within 60 days before the date of the filing of the petition (redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers) **OR a statement by the debtor that he did not receive any payments from an employer within that time** (individual debtors only). See *generally* 11 U.S.C. § 521(a)(1)(B) (iv) and Fed.R.Bankr.P. 1007(b)(1)(E). See Bankr. D.S.D. R. Appendix 1B for a sample statement for submitting copies of the payment advices or disclosing no payment advices were received.
- ☐ **Record of any interest the debtor has in an "education individual retirement account" or under a "qualified state tuition program"** (if applicable). See 11 U.S.C. § 521(c) and Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation** by the debtor's attorney. See 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1 and Appendix 2K.
- ☐ **Application(s) to employ** the debtor's attorney, accountant, or other professionals. The application should be filed before any post-petition services are rendered. See 11 U.S.C. § 327, Fed.R.Bankr.P. 2014(a), and Bankr. D.S.D. R. 2014-1.

**DUE NOT MORE THAN 90 DAYS AFTER PETITION IS FILED:**

- ☐ **Plan.** See 11 U.S.C. § 1221, Fed.R.Bankr.P. 3015(a), and Bankr. D.S.D. Rs. 3015-1A, 3015-2, and 3015-3A and Appendix 3A.

**DUE UPON COMPLETION OF PLAN PAYMENTS OR THE FILING OF A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1228(b):**

- ☐ **Statement concerning pending proceedings** of the kind described in 11 U.S.C. § 522(q)(1), if applicable, and if the debtor is an individual and has claimed a homestead exemption in excess of \$136,875.00. See 11 U.S.C. § 522(b)(3).
- ☐ **Final report and account** of the administration of the case on the form prescribed by the United States Trustee. Fed.R.Bankr.P. 5009 and Bankr. D.S.D. R. 3072-1A.

## Chapter 13

### **DUE AT FILING:**

- ☐ **Voluntary Petition** with all required signatures. Official Form 1.
- ☐ **Exhibit A** attachment to petition regarding periodic reports to the Securities and Exchange Commission, if applicable. Official Form 1, Exhibit A.
- ☐ **Exhibit C** attachment to petition regarding possession of property that poses public harm, if applicable. Official Form 1, Exhibit C.
- ☐ **Exhibit D** attachment to petition. Official Form 1, Exhibit D.
- ☐ **Statement of Social Security Number** (*pro se* debtors only). Official Form 21.
- ☐ **Certificate of Credit Counseling** from an approved nonprofit budget and credit counseling agency and, if one was prepared by the counseling agency, a copy of the debt repayment plan. See 11 U.S.C. § 521(b) and Fed.R.Bankr.P. 1007(b)(3).
- ☐ **Declaration and Signature of Non-attorney Bankruptcy Petition Preparer**, if applicable. Official Form 19.
- ☐ **Mailing list of creditors.** See 11 U.S.C. § 521(a)(1)(A), Fed.R.Bankr.P. 1007(a)(1), and Bankr. D.S.D. R. 1007-2 and Appendix 1E.
- ☐ **Filing fee of \$274.00 OR an Application to Pay Filing Fee in Installments.** If the debtor is *pro se*, the fee must be paid by cashier's check, money order, or, only if hand delivered, cash. Payment must be in the exact amount. See Official Form 3A for the Application to Pay Filing Fee in Installments. An attorney must pay the fee by credit card. See Credit Card Payment Guide on the Court's website under CM/ECF.

### **DUE NOT MORE THAN 14 DAYS AFTER PETITION IS FILED:**

- ☐ **Summary of Schedules with Statistical Summary.** Official Form 6 - Summary and Statistical Summary (two parts).
- ☐ **Schedules A through J.** Official Forms 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H, 6I, and 6J.
- ☐ **Declaration Concerning Debtor's Schedules.** Official Form 6 - Declaration.
- ☐ **Statement of Financial Affairs** (with unsworn declaration). Official Form 7.

- ☐ **Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income.** Official Form 22C.
- ☐ **Copies of payment advices** (also known as employee income records or wage statements) received by the debtor from any employer within 60 days before the date of the filing of the petition (redact from the payment advices all but the last four digits of the debtor's Social Security number or other personal identification numbers) **OR a statement by the debtor that he did not receive any payments from an employer within that time** (individual debtors only). See *generally* 11 U.S.C. § 521(a)(1)(B) (iv) and Fed.R.Bankr.P. 1007(b)(1)(E). See Bankr. D.S.D. R. Appendix 1B for a sample statement for submitting copies of the payment advices or disclosing no payment advices were received.
- ☐ **Record of any interest the debtor has in an "education individual retirement account" or under a "qualified state tuition program"** (if applicable). See 11 U.S.C. § 521(c) and Fed.R.Bankr.P. 1007(b)(1)(F).
- ☐ **Disclosure of Compensation** by the debtor's attorney. See 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1 and Appendix 2K.
- ☐ **Plan.** See 11 U.S.C. § 1321, Fed.R.Bankr.P. 3015(b), and Bankr. D.S.D. Rs. 3015-1B, 3015-2, and 3015-4B and Appendix 3A.

**DUE BEFORE THE LAST PAYMENT UNDER DEBTOR'S PLAN OR UPON THE FILING OF A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1328(h):**

- ☐ **Certification of Completion of [post-petition] Instructional Course Concerning Personal Financial Management.** Official Form 23. See 11 U.S.C. §§ 109(h)(4) and 1328(g)(1) and Fed.R.Bankr.P. 1007(c).

**DUE UPON COMPLETION OF PLAN PAYMENTS OR THE FILING FOR A MOTION FOR HARDSHIP DISCHARGE UNDER 11 U.S.C. § 1328(h):**

- ☐ **Statement concerning pending proceedings** of the kind described in 11 U.S.C. § 522(q)(1), if applicable, and if the debtor has claimed a homestead exemption in excess of \$136,875.00. For any case commenced on or after October 17, 2005. If plan payments have been completed, the required statement is incorporated into the debtor's Certification and Request for Discharge set forth below. See 11 U.S.C. § 522(b)(3).

**DUE 30 DAYS AFTER THE TRUSTEE'S NOTICE OF COMPLETION OF PLAN PAYMENTS:**

- ☐ **Certification and Request for Discharge.** Each joint debtor must prepare and file a separate Certification and Request for Discharge. For any case commenced on or after October 17, 2005. See 11 U.S.C. §§ 522(b)(3), 522(q)(1), and 1328(h) and Bankr. D.S.D. R. 3072-1B(b) and Appendix 3H.



**Appendix 1B. Statement Regarding Payment Advices.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 13
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	DEBTOR WANDA GAL
	)	EARNER'S STATEMENT
and	)	REGARDING PAYMENT ADVICES
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

In accordance with 11 U.S.C. §521(a)(1)(B)(iv), I, Debtor Wanda Gal Earner, state (select one):

- ☐ I have attached all the payment advices (also known as wage or earnings statements) or other evidence of payments that I have received from all employers during the 60 days before I filed my bankruptcy petition. Any personal identification information, such as my Social Security number or a bank account number, has been redacted from the payment advices.

OR

- ☒ I have not received any payments from any employer during the 60 days before I filed my bankruptcy petition.

I declare under penalty of perjury that I have read this statement and it is true and correct to the best of my knowledge, information, and belief.

Dated: March 9, 2012.

/s/

Debtor Wanda Gal Earner

**SEE COMMITTEE NOTE ON FOLLOWING PAGE**

### **Committee Note**

Redact any personal identification information from the payment advices, in particular any Social Security or bank account numbers, *before* filing. In a joint case (husband and wife), file a separate statement for each debtor.

**Appendix 1C. Statement of Corporate Ownership.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S STATEMENT OF
TAX ID/EIN 10-0111111	)	CORPORATE OWNERSHIP
	)	
Debtor.	)	

Pursuant to Federal Rules of Bankruptcy Procedure 1007(a)(1) , the undersigned corporation hereby certifies [select one]:

- ☒ Following is a complete list of all corporations, other than governmental units, that directly or indirectly own 10% or more of any class of its equity interests:

Bob's Family Corporation; and  
Feed & Seed Stores, Inc.

OR

- ☐ There are no corporations, other than governmental units, that directly or indirectly own 10% or more of any class of its equity interests.

The undersigned corporation further certifies it will file a supplemental statement promptly upon any change in circumstance that renders this Statement of Corporate Ownership inaccurate.

Dated: March 9, 2012.

/s/  
Robert M. Seller, Secretary  
Debtor Bob's Feed & Seed, Inc.  
212 Auger Way, Justice, SD 57000  
(605)555-5555  
Bob's Feed & Seed@meanco.com

**SEE COMMITTEE NOTE ON FOLLOWING PAGE**

### **Committee Note**

When a debtor is a corporation, caption the statement for the main bankruptcy case and file it in the main bankruptcy case. When a corporation, other than a debtor, is a party to an adversary proceeding, caption the statement for the adversary proceeding, change the rule reference to Fed.R.Bankr.P. 7007.1, and file the statement in the adversary proceeding.

**Appendix 1D. Chapter 11 Small Business Debtor's Statement  
Pursuant to 11 U.S.C. § 1116(1).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S STATEMENT
TAX ID/EIN 10-0111111	)	REGARDING BUSINESS
	)	RECORDS PURSUANT
Debtor.	)	TO 11 U.S.C. § 1116(1)

Pursuant to 11 U.S.C. § 1116(1), I certify under penalty of perjury:

(1) Attached are true and correct copies of Debtor's most recent (select all that apply):

- ☒ balance sheet
- ☐ statement of operations
- ☐ cash-flow statement
- ☒ federal tax return

(2) The following documents have never been prepared by or for Debtor (select all that apply):

- ☐ balance sheet
- ☒ statement of operations
- ☒ cash-flow statement
- ☐ federal tax return

Dated: March 9, 2012.

/s/  
Robert M. Seller, Secretary  
Debtor Bob's Feed & Seed, Inc.  
212 Auger Way, Justice, SD 57000  
(605)555-5555  
Bob's Feed & Seed@meanco.com

## Appendix 1E.        Format for Mailing List of Creditors.

When a debtor who is not represented by an attorney files a petition, the petition must be accompanied by a mailing list of creditors. The mailing list may be submitted conventionally (by paper) or composed and saved in an electronic format and submitted on a compact disc or diskette. The list, whether submitted on paper or in an electronic format, must be prepared exactly as the sample on the following page using these guidelines:

- For each creditor, provide the full name and the full mailing address (Post Office box number or street address, including any apartment, suite, or room number). Each creditor's address should be at least three or four lines long, unless a creditor has its own zip code (*e.g.*, Reader's Digest, Pleasantville, NY 10570). Each name/address block may not exceed six lines total (single spaced). The list must include the creditor at the creditor's address. Do not list the creditor using only the creditor's attorney's address.
- Type the list in a single column placed flush against the left margin, single spaced, with at least two spaces between each name/address block. Do **not** leave spaces to the left of the column. Do **not** center the column.
- Limit the length of each line of a name or address to 40 characters, including spaces.
- Do **not** include the debtor(s), the attorney for the debtor(s), the United States Trustee, or the case trustee. The Clerk will automatically add these parties in interest to the mailing list.
- Place any attention line on the second line of the name and address block. For example:

Bob's Accounting Service  
Attn: Bankruptcy Specialist Kate Smith  
10001 Spreadsheet Lane, Suite 415  
Leola, PA 17540

- Use the correct postal abbreviation for each state (*e.g.*, SD for South Dakota).
- Place the zip code on the City/State line of the name/address block. Type nine-digit zip codes with a hyphen separating the two groups of numbers (*e.g.*, 57500-1122).

- Use an easy-to read font, such as Universal, Times New Roman, or Courier. Do **not** use all CAPITAL letters. Do not use any **bold** or *italicized* print.
- Do not include in the address any account numbers, credit card numbers, or Social Security numbers.
- Avoid any stray or extra marks on the list. Do **not** use letterhead paper. Do **not** include the date, the case caption, or any page numbers.
- Avoid the problems highlighted on the "Trouble Sheet" that follows the sample mailing list.
- Save the mailing list on a compact disc or diskette using Word or WordPerfect and mail or deliver to the Clerk with the petition.

Albert's Awnings  
1515 Sunny Drive  
Suite 333  
Sioux Falls, SD 57101-0001

Bagel Barn  
412 West Blvd.  
Rapid City, SD 57121

Camera Corner  
Attn: Bud Smith  
567 Snapshot Lane  
Belle Fourche, SD 57717

Credit Check Service  
342 Center Drive  
Pierre, SD 57501

Dr. David Doctor  
Suite 1212  
5888 Cottonwood Road  
Merriman, NE 66787

Doug Flannery  
RR 2, Box 12  
Hastings, NE 68666-0022

Kite Flying, Ltd.  
PO Box 1422  
Blunt, SD 57202-1422

Mom's Cookie Company  
909 Sweet Treat Street  
Aberdeen, SD 57896

Pricey Paintings  
7855 S New Money Lane  
Sioux Falls, SD 57101



## "Trouble Sheet" for the Mailing List of Creditors

When preparing a mailing list, please avoid the errors noted in red on the sample mailing list framed below.

In re Debtor, Inc.	
Do not caption or otherwise label or title the mailing list.	
ALBERT'S AWNINGS 1515 SUNNY DRIVE SUITE 333 SIOUX FALLS, SD 57101	This address should be flush against the left margin, and it should <b>not</b> be in all capital letters.
<b><i>Bagel Barn</i></b> <b>Rapid City, SD 57701</b>	This address is incomplete (no P.O. Box number or street address), and it incorrectly uses italics and bold.
Camera Corner P.O. Box "J" Attn: Bud Smith President & CEO 567 Snapshot Lane Suite 7111213 Belle Fourche, SD 57717	This name/address block is too long. The block for each creditor's name and address may not exceed six lines. The attention line should be on the second line of the address block.
McMurctree Bank, as Trustee and Conservator for Rachel Smith 1414 Romance Park Lane Verdigree, NE 68783	This line is too long. Each line may not exceed 40 characters, including spaces.
<b>Pasture Rental, Inc.</b> <b>lease acct no. 89-222</b> <b>2121 Ranchers Circle</b> <b>Prescott, AZ 86303</b>	The font for this entry is too difficult to read. Use a simple, clean-lined font only. This entry also erroneously includes an account number.
Do not number the pages of the mailing list or type <i>anything</i> but creditors' names and addresses on it.	
-2-	

**Appendix 1F.           Amendment to Petition and Notice (combined).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO PETITION
SSN/ITIN xxx-xx-0000	)	AND NOTICE OF AMENDMENT
	)	
Debtor.	)	

AMENDMENT

(1) Add an "Other Name" used by Debtor: fdba Jane's Flower Shop.

(2) Correct the "County of Residence" from Perkins to Dennys.

I declare under penalty of perjury the information contained in this amendment is true and correct.

Dated: March 9, 2012.

/s/  
Jane Anne Anonymous

NOTICE

Your rights may be affected by this amendment. You should discuss this with your Oattorney. If you do not have an attorney, you may wish to consult one.

Dated: March 9, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

**Appendix 1G. Amendment to Schedule and Notice (combined).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO SCHEDULES B
SSN/ITIN xxx-xx-0000	)	AND C AND NOTICE OF AMENDMENT
	)	
Debtor.	)	

AMENDMENT TO SCHEDULE B

(1) Correct the value of the following property:

2002 Chevy Lumina	original value \$2,200.00	amended value \$1,570.00
antique four-poster bed	original value \$100.00	amended value \$3,300.00

(2) Add the following property:

1994 Honda ATV (wrecked)	value \$50.00	no encumbrances
--------------------------	---------------	-----------------

After these amendments, the total value of Debtor's property on schedule B is \$12,242.00.

AMENDMENT TO SCHEDULE C

(1) Correct the value of property in which an exemption is claimed, change the amount declared exempt, and correct the statute under which the exemption is claimed, as follows:

2002 Chevy Lumina

original value \$2,200.00	amended value \$1,570.00
---------------------------	--------------------------

original amount exempted \$2,200.00	amended amount exempted \$1,570.00
-------------------------------------	------------------------------------

original statute S.D.C.L. § 43-45-2	amended statute S.D.C.L. § 43-45-4
-------------------------------------	------------------------------------

(2) Add the following property claimed exempt:

1994 Honda ATV

value	amount exempted	applicable exemption statute
\$50.00	\$50.00	S.D.C.L. § 43-45-4

After these amendments, the total value of personal property Debtor has declared exempt under S.D.C.L. § 43-45-4 is \$4,000.00, and the total of all property declared exempt is \$38,494.00.

An Amended Schedule B and an Amended Schedule C are attached. I declare under penalty of perjury the information contained in this amendment is true and correct.

Dated: March 9, 2012.

/s/

Jane Anne Anonymous

#### NOTICE

Your rights may be affected by this amendment. You should discuss this with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: March 9, 2012.

/s/

Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

### **Committee Notes**

Fully explain each change from the original schedule. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

The debtor must sign the Amendment to Schedule and Notice.

If the debtor is amending schedule B, C, I, or J, also attach a complete revised schedule to the Amendment to Schedule and Notice. Label the attachment as an amended schedule.

**Appendix 1H. Amendment to Statement and Notice (combined).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	AMENDMENT TO STATEMENT
SSN/ITIN xxx-xx-0000	)	OF FINANCIAL AFFAIRS
	)	
Debtor.	)	

AMENDMENT

(1) Correct the answer to question 1, "Income from employment or operation of business":

2011 flower shop, correct \$34,562.00 to \$37,562.00.

(2) Add at question 14, "Property held for another person":

Greeting cards and wrapping paper (15 boxes) being sold by Girl Scouts.

I declare under penalty of perjury the information contained in this amendment is true and correct.

Dated: March 9, 2012.

/s/

Jane Anne Anonymous

NOTICE

Your rights may be affected by this amendment. You should discuss this with your attorney. If you do not have an attorney, you may wish to consult one.

Dated: March 9, 2012.

/s/

Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

### **Committee Notes**

Fully explain each change from the original statement. Specifically state what information the debtor is *adding* and what information the debtor is *correcting*.

The debtor must sign the Amendment to Statement and Notice.

If the debtor is amending a Chapter 7 Statement of Current Monthly Income and Means Test Calculation (Official Form 22A), a Chapter 11 Statement of Current Monthly Income (Official Form 22B), or a Chapter 13 Statement of Current Monthly Income and Calculation of Commitment Period and Disposable Income (Official Form 22C), attach a complete revised statement to the Amendment to Statement and Notice. Label the attachment as an amended statement.

**Appendix 1I.****Counties within a Division, District of South Dakota.****NORTHERN**

court site- Aberdeen  
Clerk's office - Pierre

Brown  
Campbell  
Clark  
Codington  
Corson  
Day  
Deuel  
Edmunds  
Grant  
Hamlin  
McPherson  
Marshall  
Roberts  
Spink  
Walworth

**CENTRAL**

court site - Pierre  
Clerk's office - Pierre

Buffalo  
Dewey  
Faulk  
Gregory  
Haakon  
Hand  
Hughes  
Hyde  
Jerauld  
Jones  
Lyman  
Mellette  
Potter  
Stanley  
Sully  
Todd  
Tripp  
Ziebach

**SOUTHERN**

court site - Sioux Falls  
Clerk's office -  
Sioux Falls

Aurora  
Beadle  
Bon Homme  
Brookings  
Brule  
Charles Mix  
Clay  
Davison  
Douglas  
Hanson  
Hutchinson  
Kingsbury  
Lake  
Lincoln  
McCook  
Miner  
Minnehaha  
Moody  
Sanborn  
Turner  
Union  
Yankton

**WESTERN**

court site - Rapid City  
Clerk's office - Pierre

Bennett  
Butte  
Custer  
Fall River  
Harding  
Jackson  
Lawrence  
Meade  
Pennington  
Perkins  
Shannon



**Appendix 2A. General Notice.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF MOTION
SSN/ITIN xxx-xx-0000	)	FOR RELIEF FROM STAY
	)	
Debtor.	)	

Easy Finance Co., Inc. has filed papers asking the Court to grant it relief from the automatic stay. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before March 26, 2012, a signed and dated typewritten response explaining your position. The response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the motion may be set by separate order if an objection or other response is filed on or before the deadline. If no one files and serves a response on or before the deadline, the Court may enter an order granting the relief requested without a hearing.

Dated: March 9, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

Describe the relief sought in general terms in the opening sentence of the first paragraph.

To determine the date by which a response to a particular type of motion, application, etc., must be filed, refer to Bankr. D.S.D. 2002-1(f) and the notice and service requirements checklist available on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov) under Information/Practice Pointers.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

Do **not** use this general notice for the notice of a hearing on an objection to a claim, a confirmation hearing in a chapter 12 or chapter 13 case, a motion to sell property of the estate, or an application for fees. Each of those matters has a special notice form. See Appendices 2B and 2C (objection to a claim), 2D and 2E (confirmation hearing), 2F (motion to sell property of the estate), and 2G (application for fees).

**Appendix 2B. Notice of Telephonic Hearing on Objection to Claim.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TELEPHONIC
SSN/ITIN xxx-xx-0000	)	HEARING ON TRUSTEE'S
	)	OBJECTION TO CLAIM
Debtor.	)	

Trustee Samuel S. Smith has filed an objection to Badlands Credit, Inc.'s claim in this bankruptcy case. This claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before April 11, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

The Court will hold a telephonic hearing at 9:00 a.m. (Central) on April 17, 2012 to decide whether to reduce, modify, or disallow the subject claim. If you or your attorney files a timely response and includes a telephone number in the response, the Court will call you or your attorney at the scheduled time. If an evidentiary hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you or your attorney does not file and serve a response on or before the deadline, the Court may decide you do not oppose the relief requested and may enter an order granting the relief requested following the hearing.

Dated: March 9, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

## **Committee Notes**

A hearing must be scheduled on an objection to claim before the objection and notice are filed. Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain a date and time for the hearing.

Use this sample if the Scheduling Deputy Clerk has given you a date and time for a telephonic hearing. Use the sample at Appendix 2C if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing.

For the date by which a response must be filed, use a business date that is 33 days after service of the objection and notice and at least three days before the scheduled hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

**Appendix 2C. Notice of In-Court Hearing on Objection to Claim.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF HEARING
SSN/ITIN xxx-xx-0000	)	ON TRUSTEE'S
	)	OBJECTION TO CLAIM
Debtor.	)	

Trustee Samuel S. Smith has filed an objection to Badlands Credit, Inc.'s claim in this bankruptcy case. This claim may be reduced, modified, or disallowed. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested, you or your attorney must file with the Bankruptcy Clerk, on or before April 11, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 400 South Phillips Avenue, Room 104, Sioux Falls, South Dakota 571004-6851. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney file a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 357-2400.

The Court will hold a hearing at 9:00 a.m. (Central) on April 26, 2012 in the assigned courtroom, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota to decide whether to reduce, modify, or disallow the subject claim.

If you do not file and serve a response on or before the deadline, the Court may

decide you do not oppose the relief requested and may enter an order granting the relief requested.

Dated: March 9, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

## **Committee Notes**

A hearing must be scheduled on an objection to claim before the objection and notice are filed. Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain a date and time for the hearing.

Use this sample if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing. Use the sample at Appendix 2B if the Scheduling Deputy Clerk has given you a date and time for a telephonic hearing.

For the date by which a response must be filed, use a business date that is 33 days after service of the objection and notice and at least three days before the scheduled hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460



**Appendix 2D. Notice of Telephonic Confirmation Hearing  
on Chapter 12 or Chapter 13 Plan.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90004
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TELEPHONIC
SSN/ITIN xxx-xx-0000	)	CONFIRMATION HEARING ON
	)	PLAN DATED MARCH 9, 2012
Debtor.	)	AND RELATED DEADLINES

Debtor has filed a Plan Dated Mach 9, 2012. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (approve) Debtor's plan, you or your attorney must file with the Bankruptcy Clerk, on or before April 9, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney files a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

The Court will hold a telephonic hearing at 9:00 a.m. (Central) on April 25, 2012 to decide whether to confirm the proposed plan. If you file a timely response and include your telephone number in your response, the Court will call you (or your attorney) at the scheduled time. If an evidentiary confirmation hearing is needed, the Court will set the date, time, and place for the evidentiary hearing during the telephonic hearing.

If you do not file and serve a response on or before the deadline, the Court may

decide you are satisfied with the proposed plan and may enter an order confirming it. If no objections are timely filed, the confirmation hearing will be cancelled pursuant to Bankr. D.S.D. R. 3015-1B(e)(2).

Dated: March 9, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

## Committee Notes

This notice may be used in either a chapter 12 or chapter 13 case. In a chapter 12 case, omit the last paragraph regarding Bankr. D.S.D. R. 3015-3B(c)(2).

When referring to the plan in the notice, use the exact title found in the caption of the plan. The title should comply with Bankr. D.S.D. R. 3015-2(a)(2).

A confirmation hearing must be scheduled with the Scheduling Clerk on all chapter 12 plans before the notice is filed. A confirmation hearing must be scheduled in a chapter 13 case only if the original plan is not filed timely or if the debtor files a modified plan. See Bankr. D.S.D. R. 3015-3B(b). Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain the date and time.

Use this sample if the Scheduling Deputy Clerk has given you a date and time for a telephonic confirmation hearing. Use the sample at Appendix 2E if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court hearing.

For the date by which a response must be filed in a chapter 12 case, use a business date that is 24 days after service of the notice and plan and at least three days before the scheduled hearing.

In a chapter 13 case, the notice of the first confirmation hearing and the date by which a response must be filed will be given by the Clerk in the Notice of Commencement of Case. Prepare, file, and serve this notice in a chapter 13 case only if the original plan was not timely filed, see Bankr. D.S.D. R. 3015-3B(b), or if a modified plan is being filed. See Bankr. D.S.D. R. 3015-4B. For the date by which a response must be filed, use a business date that is 31 days after service of the notice and plan and at least three days before the scheduled hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

**Appendix 2E. Notice of In-Court Confirmation Hearing  
on Chapter 12 or Chapter 13 Plan.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90004
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF CONFIRMATION
SSN/ITIN xxx-xx-0000	)	HEARING ON PLAN
	)	DATED MARCH 9, 2012
Debtor.	)	AND RELATED DEADLINES

Debtor has filed a Plan Dated March 9, 2012. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to confirm (that is, approve) Debtor's plan, you or your attorney must file with the Bankruptcy Clerk, on or before April 9, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 400 South Phillips Avenue, Room 104, Sioux Falls, South Dakota 57104-6851. The response must be mailed early enough to ensure the Bankruptcy Clerk receives it on or before the deadline stated above.

If you or your attorney file a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 357-2400.

The Court will hold a confirmation hearing at 9:00 a.m. (Central) on May 3, 2012 in the assigned courtroom, U.S. Courthouse, 400 South Phillips Avenue, Sioux Falls, South Dakota, to decide whether to confirm the proposed plan.

If you do not file and serve a response on or before the deadline, the Court may

decide you are satisfied with the proposed plan and may enter an order confirming it. If no objections are timely filed, the confirmation hearing will be cancelled pursuant to Bankr. D.S.D. R. 3015-1B(e)(2).

Dated: March 9, 2012

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

This notice may be used in either a chapter 12 or chapter 13 case. In a chapter 12 case, omit the last paragraph regarding Bankr. D.S.D. R. 3015-3B(c)(2).

When referring to the plan in the notice, use the exact title found in the caption of the plan. The title should comply with Bankr. D.S.D. R. 3015-2(a)(2).

A confirmation hearing must be scheduled with the Scheduling Clerk on all chapter 12 plans before the notice is filed. A confirmation hearing must be scheduled in a chapter 13 case only if the original plan is not filed timely or if the debtor files a modified plan. See Bankr. D.S.D. R. 3015-3B(b). Contact the Scheduling Deputy Clerk at (605) 945-4477 to obtain the date and time.

Use this sample if the Scheduling Deputy Clerk has given you a date, time, and location for an in-court confirmation hearing. Use the sample at Appendix2D if the Scheduling Deputy Clerk has given you a date and time for a telephonic confirmation hearing.

For the date by which a response must be filed in a chapter 12 case, use a business date that is 24 days after service of the notice and plan and at least three days before the scheduled hearing.

In a chapter 13 case, the notice of the first confirmation hearing and the date by which a response must be filed will be given by the Clerk in the Notice of Commencement of Case. Prepare, file, and serve this notice in a chapter 13 case only if the original plan was not timely filed, see Bankr. D.S.D. R. 3015-3B(b), or if a modified plan is being filed. See Bankr. D.S.D. R. 3015-4B. For the date by which a response must be filed, use a business date that is 31 days after service of the notice and plan and at least three days before the scheduled hearing.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

**Appendix 2F. Notice of Motion to Sell Property of the Estate.**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA**

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF TRUSTEE'S MOTION
SSN/ITIN xxx-xx-0000	)	TO SELL CERTAIN VEHICLES
	)	
Debtor.	)	

Trustee Samuel S. Smith has filed a Motion to Sell Certain Vehicles. Pursuant to the motion, he proposes to sell at public auction on April 20, 2012 a 2002 Pontiac Grand Prix (43,000 miles) valued at \$3,000 (Blue Book appraisal) and a 1963 Ford Mustang (fully restored) valued at \$23,000.00 (professional appraisal). The auction will be conducted by Big Carl's Car-azy Auction House in Justice, South Dakota. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the sale as proposed, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney file a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the motion may be set by separate order if an objection or other response is filed on or before the deadline. If no one files and serves an objection or other response on or before the deadline, the Court may enter an order granting the motion without a hearing.

Dated: March 9, 2012

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## **Committee Notes**

Use this notice (with a motion to sell) only if the aggregate gross value of the nonexempt property in the exceeds \$2,500.00. If the aggregate gross value of the nonexempt property in the estate is less than \$2,500.00, the sale may be proposed by notice only. See Fed.Rs.Bankr.P. 6004(d) and Bankr. D.S.D. R. Appendix 6A.

When describing the proposed sale, include a general description of the property to be sold and the time and place of any public sale or the terms and conditions of any private sale, as required by Fed.R.Bankr.P. 2002(c)(1) and Bankr. D.S.D. R. 2002-1(d).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

Serve the motion to sell on parties in interest as defined by Bankr. D.S.D. R. 9001-1(7). Serve this notice on all creditors and other parties in interest.



**Appendix 2G.**

**Notice of Application for Fees.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	NOTICE OF ATTORNEY'S
SSN/ITIN xxx-xx-0000	)	APPLICATION FOR FEES
	)	
Debtor.	)	

Joseph J. Jones, attorney for Trustee Samuel S. Smith, has filed an application to be paid \$2,289.90 in fees from the bankruptcy estate. Your rights may be affected. You should read these papers carefully and discuss them with your attorney. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to approve the application, you or your attorney must file with the Bankruptcy Clerk, on or before April 2, 2012, a signed and dated typewritten response explaining your position. Your response must include the case name and number. Only an attorney may file a response or appear at a hearing on behalf of a corporation, partnership, or other formal legal entity.

If you are an attorney, you must file any response electronically. See the July 14, 2005 general order and additional information regarding electronic filing (CM/ECF) on the Court's website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov). If you are not an attorney, your response may be mailed or delivered to the Bankruptcy Clerk, whose address is 225 S. Pierre St., Room 203, Pierre, SD 57501. The response must be mailed early enough to ensure the Bankruptcy Clerk *receives* it on or before the deadline stated above.

If you or your attorney file a response, you or your attorney must also mail a copy of the response to any parties in interest, as defined by Local Bankruptcy Rule 9001-1(7), who will not receive electronic notice of the response. You or your attorney may obtain the names and addresses of the parties in interest listed in rule 9001-1(7) by contacting the Bankruptcy Clerk's office at (605) 945-4460.

A hearing on the application may be set by separate order if an objection or other response is filed on or before the deadline. If no one files and serves an objection or other response on or before the deadline, the Court may enter an order granting the application without a hearing.

Dated: March 9, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

This notice is required only if the applicant is seeking fees totaling more than \$1,000.00. *See* Fed.R.Bankr.P. 2002(a)(6). Serve this notice only on all creditors and other parties in interest. Serve the application on the debtor (the United States Trustee, any case trustee, and any party who has filed a notice of appearance will receive electronic service).

In the opening sentence of the first paragraph, identify the applicant requesting the fees and the amount sought, as required by Fed.R.Bankr.P. 2002(c)(2) and Bankr. D.S.D. R. 2002-1(e).

For the date by which a response must be filed, use a business date that is 24 days after service of the notice.

In the third and fourth paragraphs, use the Clerk's Sioux Falls office address and phone number for Southern Division cases or the Clerk's Pierre office address and phone number for Northern, Central, or Western Division cases.

Bankruptcy Court Clerk  
U.S. Courthouse  
400 S. Phillips Ave., Rm. 104  
Sioux Falls, SD 57104-6851  
phone (605) 357-2400

Bankruptcy Court Clerk  
U.S. Post Office & Federal Bldg.  
225 S. Pierre St., Rm. 203  
Pierre, SD 57501-2463  
phone (605) 945-4460

If fees of \$1,000.00 or less are requested, the applicant need file only the application (no notice) and serve it on debtor (the United States Trustee, any case trustee, and any party who has filed a notice of appearance will receive electronic service).

**Appendix 2H. Motion for Reduced (shortened) Notice.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	TRUSTEE'S MOTION FOR
SSN/ITIN xxx-xx- 0000	)	REDUCED NOTICE OF MOTION
	)	FOR AUTHORIZATION
Debtor.	)	TO SELL PERISHABLE PROPERTY

In support of this Motion for Reduced Notice, Trustee Samuel S. Smith states:

(1) I have filed a Motion for Authorization to Sell Perishable Property ("sale motion"), which if approved, will net \$3,500.00 for the bankruptcy estate.

(2) I ask that notice of the sale motion be reduced under Fed.R.Bankr.P. 9006(c) and a deadline of 12:00 noon (Central) on May 3, 2011 be set for objecting to the sale motion for the following reasons:

(a) Debtor has listed fresh-cut flowers and tropical plants on her schedule of assets and has not declared these perishable goods exempt. If the goods are not sold as soon as possible, they will spoil and have no value to the estate.

(b) I have located a buyer who is willing to purchase these perishable goods, provided they can be delivered to the buyer no later than May 4, 2011.

Wherefore, I respectfully request an order reducing notice and setting May 3, 2011 at 12:00 noon (Central) as the deadline for objecting to his sale motion.

Dated: April 27, 2011.

/s/  
Samuel S. Smith, Trustee  
P.O. Box "S"  
Justice, SD 57000  
tele: (605)555-8888  
fax: (605)555-8889  
ssslaw@legalline.net

### **Committee Notes**

Very briefly summarize the main motion, application, plan, etc., for which reduced notice is requested.

State *specifically* the last date for objections that is requested and the reasons reduced notice is appropriate.

**Appendix 2I. Motion for Limited Notice.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	TRUSTEE'S MOTION FOR
SSN/ITIN xxx-xx-0000	)	LIMITED NOTICE OF MOTION FOR
	)	AUTHORIZATION TO SELL VEHICLE
Debtor.	)	

In support of this Motion for Limited Notice, Trustee S. Samuel Smith states:

(1) I have filed a Motion for Authorization to Sell Vehicle ("sale motion"), which if approved, will net \$250.00 for the bankruptcy estate.

(2) I ask that notice of the sale motion be limited to parties in interest as defined by Bankr. D.S.D. R. 9001-1(7) and those creditors who have timely filed proofs of claim, for the following reasons:

(a) There are over 250 parties listed on the case mailing list. If notice is not limited in the manner requested, the costs of reproducing (\$.10 X 250 creditors) and mailing (\$.44 X 250 creditors) notice of the sale motion will greatly reduce the sale proceeds available for distribution to creditors.

(b) The interests of those creditors who have not filed a notice of appearance or a proof of claim will be adequately represented by the parties who will receive notice.

Wherefore, I respectfully request that the Court enter an order limiting notice of my sale motion to parties in interest as defined by Bankr. D.S.D. R. 9001-1(7) and those creditors who have timely filed proofs of claim.

Dated: February 28, 2011.

/s/  
Samuel S. Smith, Trustee  
P.O. Box "S"  
Justice, SD 57000  
tele: (605)555-8888  
fax: (605)555-8889  
ssslaw@legalline.net

### **Committee Notes**

Very briefly summarize the main motion, application, plan, etc., for which limited notice is requested.

State *specifically* the parties to whom you want notice given and the reasons limited notice is appropriate.

**Appendix 2J. Disclosure of Compensation in Chapter 7 Case.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	DISCLOSURE OF COMPENSATION
SSN/ITIN xxx-xx-0000	)	
	)	
Debtor.	)	

1. Received or promised. Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R 2016-1(a), I declare that within one year of the filing of the petition in this case I have been paid or will be paid the following fees by Debtor for services rendered or to be rendered in contemplation of or in connection with this case:

(a) Compensation for legal services (flat fee)		\$1,000.00
(b) Costs, including the filing fee but excluding sales tax	+	\$ 299.00
(c) Sales tax on compensation	+	\$ 60.00
(d) Total:	=	\$1,359.00
(e) I have received:	-	\$1,359.00
(f) I am still owed:	=	\$ 0.00

2. Services to be rendered. In return for the compensation set forth above, I have rendered or will render the following legal services:

- a. analyzing Debtor's financial situation and rendering advice to Debtor in determining whether to file a petition in bankruptcy and, if so, under what chapter;
- b. preparing and filing Debtor's petition, schedules, and statement;
- c. representing Debtor at the meeting of creditors; and
- d. preparing and filing a motion to discharge judgments under S.D.C.L. § 15-16-20.

If other post-petition legal services are required, these services will be billed to Debtor at \$200.00 per hour for my work and \$75.00 per hour for the work of my certified legal assistant, Joyce G. Hall, plus actual expenses. Debtor understands any additional fees incurred post-petition must be paid by her personally from assets that

are not part of the bankruptcy estate. If the case is converted to another chapter, Debtor further understands a different fee agreement will be necessary and post-conversion fees may be paid as part of a plan.

3. Supplemental Disclosure. I will file a supplemental disclosure of compensation if this agreement changes or if I actually receive additional fees for other services or costs in this case that have not been disclosed.

4. Fee Sharing. I have not shared or agreed to share my fees with anyone who is not a member or an associate of my law firm.

5. Unpaid Fees. If the fees for my pre-petition services, sales tax, and expenses (including filing fee) have not been paid in full pre-petition (see paragraph 1. above), I understand and have advised Debtor that while Debtor may voluntarily pay any amount I am still owed, that amount will be discharged, and I will not be able to take any action to collect any portion of it, unless and until Debtor and I enter into a reaffirmation agreement and the Court approves the reaffirmation agreement following a hearing that Debtor must attend.

Dated: February 7, 2011.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net



## **Committee Notes**

If someone other than the debtor has paid or will pay some or all the fees, substitute or add that person's name where appropriate.

If you are accepting a flat or fixed fee for your legal services, clearly state that in paragraph 1. Segment the flat fee into separate figures for compensation for services, sales tax, and reimbursement for expenses. Rather than the hourly rate provision at the end of paragraph 1., substitute a statement regarding the flat fee arrangements, such as:

I have made a flat-fee agreement with Debtor. The total fees I will be paid in this case will not exceed \$1,308.00, which comprises \$900.00 for compensation for services, \$54.00 for sales tax, and \$354.00 for reimbursement for expenses, including the filing fee.

If there is a fee sharing agreement, revise paragraph 4 to read, "I have shared or have agreed to share my fees with [name], who is not a member or associate of my law firm." If the fee sharing agreement has been reduced to writing, add "I have attached a copy of our agreement."

**Appendix 2K. Disclosure of Compensation in Chapter 11, 12, or 13 Case.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 13
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	DISCLOSURE OF COMPENSATION
SSN/ITIN xxx-xx-0000	)	
	)	
Debtor.	)	

1. Received or promised. Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R 2016-1(a), I declare that within one year of the filing of the petition in this case I have been paid or will be paid the following fees by Debtor or the bankruptcy estate for services rendered or to be rendered in contemplation of or in connection with this case:

(a) Compensation for legal services (estimate on hourly rate)		\$2,000.00
(b) Costs, including the filing fee but excluding sales tax	+	\$ 400.00
(c) Sales tax on compensation	+	\$ 108.00
(d) Total:	=	\$2,508.00
(e) I have received:	-	\$1,308.00
(f) I am still owed	=	\$1,200.00

My fee agreement with Debtor is for legal services billed at a rate of \$200.00 per hour for my work and \$75.00 per hour for the work of my certified legal assistant, Joyce B. Good, plus actual expenses and sales tax. The total fees set forth above is my best estimate of the actual total fees to be paid, but Debtor is aware the actual total fees may be less or more.

2. Services to be rendered. In return for the compensation set forth above, I have rendered or will render the following legal services:

- a. analyzing Debtor's financial situation and rendering advice to Debtor in determining whether to file a petition in bankruptcy and, if so, under what chapter;
- b. preparing and filing Debtor's petition, schedules, and statements;
- c. representing Debtor at the meeting of creditors;
- d. reviewing claims and filing appropriate objections;
- e. preparing a plan, any needed modified plans, and representing Debtor at the confirmation hearing(s);
- f. preparing and filing a fee application after confirmation; and

- g. upon completion of plan payments, preparing and filing the documents necessary for Debtor to obtain a discharge and preparing and filing a final fee application.

3. Supplemental Disclosure. I will file a supplemental disclosure of compensation if this agreement changes or if I actually receive any additional fees from Debtor or another party (excluding fees that will be paid through a confirmed plan) that have not been disclosed.

4. Fee Sharing. I have not shared or agreed to share my fees with anyone who is not a member or an associate of my law firm.

5. Payment of Fees. If the fees for my pre-petition services, post-petition services, sales tax, and expenses (including filing fee) are not paid in full through the retainer and plan payments, Debtor has agreed to pay the balance due, not to exceed \$500.00, to me directly post-discharge. Debtor also understands that if this case converts to chapter 7, I will seek payment of my pre-conversion fees through an administrative expense claim and any post-conversion fees must be paid by her personally from assets that are not part of the bankruptcy estate.

Dated: February 7, 2011.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

## Committee Notes

If someone other than the debtor has paid or will pay some or all the fees, substitute or add that person's name for the debtor's name where appropriate.

If you are accepting a flat or fixed fee for your legal services, clearly state that in paragraph 1. Segment the flat fee into separate figures for compensation for services, sales tax, and reimbursement for expenses. Rather than the hourly rate provision at the end of paragraph 1., substitute a statement regarding the flat fee arrangements, such as:

I have made a flat-fee agreement with Debtor. The total fees I will be paid in this case will not exceed \$2,308.00, which comprises \$1,800.00 for compensation for services, \$108.00 for sales tax, and \$400.00 for reimbursement for expenses, including the filing fee.

Add or delete services in paragraph 2. as is appropriate for your particular agreement with each debtor and the relevant chapter. For example, in a chapter 11 case, the services would include preparation of a plan *and* a disclosure statement.

If there is a fee sharing agreement, revise paragraph 4. to read, "I have shared or have agreed to share my fees with [name], who is not a member or associate of my law firm." If the fee sharing agreement has been reduced to writing, add "I have attached a copy of our agreement."

If the attorney and debtor have agreed some attorneys fees will be paid directly by the debtor to the attorney after discharge, set forth those terms in paragraph 5. Such an agreement, however, should be rare, since attorneys fees preferably should be paid in full by the time the case is ready for entry of the discharge order. Counsel should not interpret the \$500.00 figure in paragraph 5. of this sample disclosure as a sum acceptable to the Court to be paid outside the plan. If any sum is paid outside the plan, it must be reasonable under the circumstances of that particular case.

**Appendix 2L. Supplemental Disclosure of Compensation.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	SUPPLEMENTAL
SSN/ITIN xxx-xx-0000	)	DISCLOSURE
	)	OF COMPENSATION
Debtor.	)	

Pursuant to 11 U.S.C. § 329(a), Fed.R.Bankr.P. 2016(b), and Bankr. D.S.D. R. 2016-1(b), I declare that since the filing of my Disclosure of Compensation (doc. 4), my fee arrangement with Debtor has changed as follows:

Debtor has agreed to pay me \$150.00 per hour plus actual expenses to represent her in Adv. No. 09-1001, a denial of discharge complaint filed by the case trustee. She understands she is personally responsible for these additional fees and that she must pay them from assets that do not belong to the bankruptcy estate. On April 8, 2011, Debtor paid me an additional retainer of \$800.00, which will be applied to my total fees related to this adversary proceeding.

Dated: April 11, 2011.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

**SEE COMMITTEE NOTE ON FOLLOWING PAGE**

### **Committee Note**

Specifically list all changes in the fee agreement that have been made since the original disclosure of compensation or the most recent supplemental disclosure of compensation was filed.

**Appendix 2M. Application for Fees by Estate Professional.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	ATTORNEY JONES'
SSN/ITIN xxx-xx-0000	)	APPLICATION FOR FEES
	)	
Debtor.	)	

I, Joseph J. Jones, attorney for Trustee Samuel S. Smith, hereby make application for the payment of certain fees as a chapter 7 administrative expense pursuant to 11 U.S.C. §§ 330(a) and 503(b)(2). In support of this application, I state:

1. My employment under 11 U.S.C. § 327(a) was approved by order entered January 11, 2011 (doc. 52) following an application filed on January 3, 2011 (doc. 48). Under the terms of the employment order, I was to be paid \$200.00 per hour plus actual expenses to represent Trustee Smith in a preferential transfer action against Bud's Bar, Adversary No. 09-1001.

2. My services were rendered, and the expenses were incurred, between January 3, 2011 and May 29, 2011. The attendant adversary proceeding has been closed. All services have been rendered and all expenses have been incurred.

3. As more specifically set forth on the itemization attached to this application, I seek \$4,200.00 in compensation for services rendered, \$252.00 for sales tax based on an applicable rate of 6.0%, and \$221.22 for reimbursement for expenses.

4. As authorized by the Court, Trustee Smith paid me a retainer of \$500.00 on January 28, 2011. No other payments have been received.

5. I have no agreement or understanding with anyone to share the fees requested.

Wherefore, I, Joseph J. Jones, respectfully request, as a chapter 7 administrative expense, a fee award from the bankruptcy estate of \$4,200.00 in compensation for services, \$252.00 for sales tax, and \$221.22 for reimbursement for

expenses, for a total fee award of \$4,673.22; that I be authorized to draw down and apply my retainer of \$500.00; and that the balance of \$4,173.22 be paid by Trustee Smith from the bankruptcy estate.

Dated: May 30, 2011.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)



Joseph J. Jones  
Attorney at Law

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101 East Legal Lane  
Justice, South Dakota 57000-0000

Telephone: (605)555-5555  
Fax: (605)555-5556  
"e" mail address: jjjlaw@legalline.net

Case: Bankruptcy Adversary No. 09-1001 for Trustee Samuel S. Smith  
Previous balance: none  
Statement Date: May 29, 2011

Date	Services rendered	Professional	Time
1-3-09	Discuss preference action needed and terms of employment with client.	JJJ	1.60
1-5-09	Review file; draft initial letter to counsel for Bud's Bar regarding potential action and advise resolution.	JJJ	3.30
2-3-09	Review response from counsel for Bud's Bar. Advise trustee they will contest.	JJJ	.20
	Draft complaint at trustee's direction.	JJJ	3.10
2-6-09	Finalize complaint and review with client.	JJJ	.40
2-27-09	Review answer. Conduct research on its claim regarding course of business.	JJJ	2.15
	Discuss same with Debtor's counsel. Arrange deposition of Debtor and Bud.	JJJ	.75
3-16-09	Depose Debtor at opposing counsel's office.	JJJ	4.10
	Depose Bud at opposing counsel's office.	JJJ	2.00
	Negotiate settlement with counsel	JJJ	1.00

3-17-09	Advise client of settlement offer. Prepare settlement, motion to approve, and order.	JJJ	1.40
5-29-09	Prepare fee application.	<u>JJJ</u>	<u>1.00</u>
		JJJ	21.00

Date	Description	Expense
1-5-09	Copy accountant's records (99 pages at .25 per page)	\$24.75
	Postage to return records.	18.12
2-27-09	WestLaw charges	14.12
2-27-09	Long distance phone calls to Debtor's attorney and Bud's attorney	4.53
3-16-08	Travel to Sisseton for depos. (273 miles at \$.585/mile)	<u>159.70</u> \$221.23

#### Summary

Compensation for Joseph J. Jones (JJJ) 21 hours at \$200/hour	\$ 4,200.00
Compensation for paralegal	none
Expenses incurred	221.23
Sales tax (6% on professional fees and copying charge)	<u>252.00</u>
Total fees requested:	\$4,673.23
Retainer received Jan. 28, 2011	500.00
Balance to be paid from estate	\$4,173.23

## **Committee Notes**

In the opening paragraph, summarize the basis for the employment, the employment terms, the statutory basis for the application, and when the employment was authorized, if court approval for it was required.

In the second paragraph, summarize the work done. If additional work or expenses are expected, so state and identify this application as an interim application.

In the third paragraph, set forth the fees sought. Separately set forth the amounts sought for compensation for services, applicable sales tax and the sales tax rate, and expenses to be reimbursed. Include any filing fee in the expenses. Do not deduct any retainer or other payments here.

In the fourth paragraph, list any retainer or other payments received, who paid each, and the date each was received. For a fee application by an attorney for a debtor, the information in this paragraph should match the information contained in the attorney's Disclosure of Compensation and any Supplemental Disclosure of Compensation

In the fifth paragraph, set forth the terms of any fee sharing agreement.

In the prayer for relief, summarize the fees sought and the action requested by the Court; it may vary slightly with the chapter and the type of services rendered. For example, in a chapter 13 case, the prayer for relief might read something like:

Wherefore, I, Joseph J. Jones, respectfully request, as a chapter 13 administrative expense, a fee award from the bankruptcy estate for \$2,200.00 in compensation for services, \$132.00 for sales tax, and \$321.22 for expenses incurred for a total fee award of \$2,653.22; that I be authorized to draw down and apply my retainer of \$1,000.00; and that the balance of \$1,653.22 be paid by Trustee Dale A. Wein pursuant to the terms of Debtor's confirmed plan.

An itemization of professional services rendered and expenses incurred must be filed with each application as an exhibit. If the application is signed by someone other than the professional that rendered the services, for example, the case trustee, then the itemization must be signed and dated by the professional to be paid. If the applicant and professional to be paid are the same, only the application needs to be signed.

In the itemization, include the date each service was rendered, a description of each service, who rendered it, and the time utilized. Disparate services rendered on the same day should be listed separately. Services by different professionals should be itemized separately. Also separately itemize each expense incurred, including any filing fees or other clerk's fees paid. Include the date the expense was incurred, a short description of it, and the cost. State the applicable sales tax rate and calculate and set forth the sales tax separately. Provide a total.

State any retainers or other payments received and the date received. If the professional is waiving any fees, state how much is waived and why. For example, "Attorney Jones waives \$642.35 in compensation based on his agreement with Debtor that total fees would not exceed \$2,650.00." Be sure the sales tax figure is based on the *actual* compensation to be paid.

**Appendix 2N.        Order Awarding Fees.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 7
JANE ANNE ANONYMOUS	)	
fdba Jane's Flower Shop	)	ORDER AWARDING FEES
SSN/ITIN xxx-xx-0000	)	TO DEBTOR'S ATTORNEY
	)	
Debtor.	)	

Upon consideration of Attorney Joseph J. Jones' Application for Fees (doc. 42) and the record before the Court; and it appearing no objection to the application was timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Attorney Jones' application is granted, and he is awarded as a chapter 13 administrative expense \$2,000.00 for compensation for services, \$120.00 for applicable sales tax, and \$380.00 for reimbursement for expenses, for a total award of \$2,500.00. Attorney Jones shall draw down and apply his \$1,000.00 retainer. Trustee Dale A. Wein shall pay the balance of \$1,500.00 pursuant to the terms of Debtor's confirmed plan.

So ordered:

**Appendix 3A. Chapter 12 or Chapter 13 Plan.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-40000
	)	Chapter 13
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	PLAN DATED MARCH 1, 2011
and	)	
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors	)	

**1. Payments by Debtors to Trustee.**

Debtors will pay the trustee \$750.00 per month for 36 months (the "plan term"), for a total of \$27,000. Debtors will also turn over to the trustee 100% of their federal income tax refunds, after any statutory off-set by the IRS, for tax years 2011, 2012, and 2013. Debtors will make the first plan payment on or before May 2, 2011 and the last plan payment on or before April 1, 2014.

**2. Payments by Trustee to Administrative Expense Holders and Creditors.**

a. Administrative Expenses (priority claim):

<i>Creditor</i>	<i>Claim</i>	<i>Payment.</i>	<i>Months</i>	<i>Total</i>
Joseph J. Jones, Esq.	\$1,500.00	\$100.00	1-15	\$1,500.00
	(estimated)			

This priority claim will not be paid until Attorney Jones files an application for compensation and reimbursement and the Court approves that application. The actual amount of the monthly payment will be calculated based on the Court's separate order awarding compensation and reimbursement. If the Court awards fees that total less than the above estimate, unsecured creditors may ultimately receive a distribution that is more than the estimate shown below. If the Court awards fees that total more than the above estimate, Debtors may file a motion to modify their confirmed plan to provide for those additional fees. If that modification is approved, unsecured creditors may receive a distribution that is less than what is set forth in this plan.

b. Other Priority Claims.

<i>Creditor</i>	<i>Claim</i>	<i>Payment.</i>	<i>Months</i>	<i>Total</i>
IRS	\$5,000.00	\$138.88	1-36	\$5,000.00

c. Secured Claims - Arrearage Only.

<i>Creditor</i>	<i>Amount</i>	<i>Interest.</i>	<i>Payment</i>	<i>Months</i>	<i>Total</i>
E-Z Finance Co.	\$533.72(arrearage)	18%	\$18.08	1-36	\$650.88
Equity Holders, LLP	\$2,106.81(arrearage)	12.7%	\$67.19	1-36	\$2,418.84

In addition to the above payments to cure the arrearage in payments, Debtors will make the regular payments on these secured claims as they come due, directly to the creditors, as provided below in paragraph 3.b.

d. Other Secured Claims.

	<i>Amount</i>	<i>Interest</i>	<i>Payment</i>	<i>Months</i>	<i>Total</i>
E-Z-R Finance Co.	\$7,000.00	8.00%	\$154.79	1-36	\$5,572.44
	(includes arrearage of \$815.13)				

After the 36<sup>th</sup> month, Debtors will continue making 18 payments of \$131.34 per month until EZR Finance Co.'s debt is paid in full. This secured creditor will retain its lien until its secured claim is paid in full.

	<i>Amount</i>	<i>Interest</i>	<i>Payment</i>	<i>Months</i>	<i>Total</i>
Auto Sales, Inc.	\$5,000.00	9.91%	\$161.12	1-36	\$5,800.32

Pursuant to 11 U.S.C. § 1325(a)(5), the amount of Auto Sales, Inc.'s secured claim is the value of the vehicle securing the debt. This secured creditor will retain its lien until its secured claim is paid in full.

	<i>Amount</i>	<i>Interest</i>	<i>Payment</i>	<i>Months</i>	<i>Total</i>
IRS	\$1,941.86	4.0%	\$57.33	1-36	\$2,063.88

The IRS will retain its lien until Debtors have been granted a discharge and the IRS's secured claim plus interest has been paid in full.

e. Unsecured, Non-priority Claims. After making the payments to priority and secured creditors described above, the trustee will distribute the balance of the payments made by Debtors to unsecured creditors who timely file a proof of claim. If

an unsecured creditor receives appropriate notice of the case but fails to timely file a proof of claim, that unsecured creditor's claim will be discharged to the extent set forth in 11 U.S.C. § 1328(a) when Debtors complete all plan payments. If all unsecured creditors known to Debtors timely file proofs of claim, each unsecured creditor will be paid approximately 51.37% of its claim.

f. Disbursements by the trustee. After deducting his statutory fee allowance, the trustee will disburse available funds first to claims with installment payment schedules in the following order: administrative expenses, including attorney fees, unsecured priority claims, and secured claims. Thereafter, the trustee will disburse available funds to claims without installment payment schedules in the following order: administrative expenses, including attorney fees, priority claims, and unsecured non-priority claims.

### 3. Payments by Debtors Directly to Creditors.

#### a. Secured Claims Not in Default.

<i>Creditor</i>	<i>Claim</i>	<i>Payment.</i>	<i>Frequency</i>
E-Z-Est Finance Co. -- home, second mortgage	\$4,500.00	\$95.61	monthly, 60 months
Cloistered Home Equity --line of credit	\$3,888.00	\$72.03	monthly, 72 months

Debtors will make all required regular payments on these secured claims not in default until paid in full according to the terms of the original agreements between Debtors and these creditors. These payments will be made directly to these creditors, not to the trustee, and will not be subject to the trustee's supervision or control. The creditors will receive no payment in any amount from the trustee on account of these claims. Each secured creditor listed here will retain its lien until its secured claim is paid in full.

#### b. Secured Claims in Default

<i>Creditor</i>	<i>Amount</i>	<i>Interest.</i>	<i>Payment</i>	<i>Frequency</i>
E-Z Finance Co. -- home, first mortgage	\$107,982.00	5.2%	\$657.06	monthly, 288 months
Equity Holders, LLP -- small business loan	\$11,299.16.	8.7%	\$151.23	monthly/ 109 months

Debtors will make the regular payments on these secured claims until paid in full according to the terms of the original agreements between Debtors and these creditors.



These payments by Debtors are in addition to the payments made on the portion of these secured claims that are in default (arrearage claims), which the trustee is paying through the plan as provided in paragraph 2.c. Each secured creditor listed here will retain its lien until its secured claim is paid in full.

**4. Disposable Income.** If the trustee or an unsecured creditor objects to confirmation of this plan, all of Debtors' disposable income to be received during the plan term will be applied to make payments under this plan.

**5. Other provisions.** Debtors agree to timely file all post-petition federal, state, and local tax returns, and to pay all post-petition taxes as they come due.

**6. Attachments.** Attached to this plan and incorporated by reference is a liquidation analysis that demonstrates creditors will receive as much or more under this plan than they would if Debtors' non-exempt assets were liquidated in a chapter 7 bankruptcy. Also attached in an Exhibit Schedule I, which sets forth changes in Debtors' income that occurred post-petition due to a change in employment for Debtor Wade Guy Earner.

Dated: March 1, 2011.

/s/  
Wade G. Earner

/s/  
Wanda G. Earner

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

**Attachment A - Liquidation Analysis**  
***In re Wade and Wanda Earner, Bankr. No. 10-40000***

	<b>Market Value</b>	<b>Valid Encumbrances</b>	<b>Claimed Exemption</b>	<b>Equity</b>
<b>Real Property:</b>				
123 North Park Place, Justice, SD	\$140,000.00*	\$111,000.00 Bob's Bank 500.00 IRS 500.00 total judgment liens	\$ 30,000.00	\$ 0.00
414 View Road, Hill City, SD	45,000.00	37,000.00 Bob's Bank	0.00	7,000.00
<b>Vehicles:</b>				
2001 Mercury	2,500.00	0.00	2,500.00	0.00
<b>Other Personal Property:</b>				
Cash	10.00**	0.00	10.00	0.00
Checking account	100.00**	0.00	100.00	0.00
Wearing apparel	200.00	0.00	200.00	0.00
Household goods	580.00	0.00	580.00	0.00
Golf clubs, bicycle	950.00***	0.00	950.00	0.00
Life insurance	6,214.00	0.00	6,214.00	0.00
<b>TOTAL AVAILABLE EQUITY:</b>				<b>\$7,000.00</b>

**NOTES:**

\*Based on a post-petition appraisal, this figure is \$2,500.00 more than the value listed on Debtors' schedules.

\*\* Available cash and bank accounts have fluctuated since the petition. These are the current sums.

\*\*\* The bicycle was wrecked post-petition, and its value is now \$234.00 less than the value on Debtors' schedules.

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**

## Committee Notes

In the caption title, do not repeat the chapter number or use the word "Debtor" or "Debtor's" in the title (no one but the debtor may file a chapter 12 or chapter 13 plan). If the plan has been modified, the proper title is "Modified Plan Dated [date]," regardless of the number of times it has been modified. Do not include "Second," "Third," etc.

In paragraph 3, clearly identify all creditors whose claims are to be paid directly by the debtor and describe whether the claim relates to a home mortgage, a contract for deed, an automobile loan or lease, or some other type of debt. If there are no creditors whose claims are to be paid directly by the debtor, delete this paragraph and renumber the remaining paragraphs accordingly.

Regarding paragraph 4, because the trustee routinely objects to confirmation of any plan that neither proposes to pay all unsecured creditors in full nor offers disposable income, the debtor may wish to consider avoiding such an objection by deleting "If the Trustee or an unsecured creditor objects to confirmation of this plan" and simply offering disposable income in the initial plan. See 11 U.S.C. §§ 1225(b) or 1325(b) for determination of disposable income period.

Regarding paragraph 5., see 11 U.S.C. §§ 1222(b) or 1322(b) for a non-inclusive list of possible "other provisions," including assumption or rejection of executory contracts. Include in this paragraph the maximum amount, terms, and lender for any planned borrowing in the ordinary course of business during the plan term. *Always* include the first provision regarding the filing of tax returns and paying taxes as it is applicable in any chapter 12 or chapter 13 plan.

If the debtor is engaged in business (including farming), include as an attachment and reference in paragraph 6, a statement of the debtor's income and expenses for the past 12 months, and a projection of the debtor's income and expenses during the plan term.

Two memos detailing preferred plan language when either the Internal Revenue Service or the Farm Service Agency is a creditor in a chapter 12 or chapter 13 case are available on the Courts website at [www.sdb.uscourts.gov](http://www.sdb.uscourts.gov) under Practice Pointers. The memos were prepared by the United States Attorney's office.

In the mandatory attached liquidation analysis, if a debtor's real or personal property has changed since their schedules were filed, the liquidation analysis should explain each addition, deletion, or change in value.

**Appendix 3B.            Order Confirming Chapter 12 or Chapter 13  
Plan - Plan as Confirmed to be Filed.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 13
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	ORDER CONFIRMING PLAN
and	)	
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

A hearing on Debtors' Modified Plan Dated March 1, 2011 was held April 21, 2011, with appearances as noted in the hearing minutes. Pursuant thereto and in recognition of and compliance with the findings and conclusions entered on the record; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtors' Modified Plan Dated March 1, 2011 is confirmed, with the clarifications entered on the record and incorporated in the Plan as Confirmed to be filed following the entry of this order.

So ordered:

**Appendix 3C.           Order Confirming Chapter 12 or Chapter 13 Plan -  
Clarification   Noted in the Confirmation Order.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 13
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	ORDER CONFIRMING PLAN
and	)	
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

A hearing on Debtors' Modified Plan Dated March 1, 2011 was held April 21, 2011, with appearances as noted in the hearing minutes. Pursuant thereto and in recognition of and compliance with the findings and conclusions entered on the record; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtors' Modified Plan Dated March 1, 2011 is confirmed as filed, except the last plan payment date shall be June 19, 2015 rather than July 15, 2015.

So ordered:

**SEE COMMITTEE NOTE ON FOLLOWING PAGE**

### **Committee Note**

Rather than directing the filing of a Plan as Confirmed to set forth necessary changes to a plan to make it confirmable or to resolve objections, the Court will occasionally direct small changes to be set forth in the confirmation order. When so directed, separately set forth each change the Court has directed in the last paragraph.

**Appendix 3D.          Order Confirming Chapter 13 Plan - No Hearing Held.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 13
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	
	)	ORDER CONFIRMING PLAN
and	)	
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

Upon consideration of Debtors' Modified Plan Dated March 1, 2011 and the record before the Court; and it appearing no objections to the plan were timely filed after appropriate notice; and it further appearing a confirmation hearing on the plan is not required pursuant to Bankr. D.S.D. R. 3015-3B(b)(2); and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtors' Modified Plan Dated March 1, 2011 is confirmed as filed.

So ordered:

**Appendix 3E.            Order Modifying Confirmed Chapter 11 (individual debtor), Chapter 12, or Chapter 13 Plan**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-90000
	)	Chapter 12
JANE ANNE ANONYMOUS	)	
fdba Jane's Fancy Chickens	)	ORDER MODIFYING
SSN/ITIN xxx-xx-0000	)	CONFIRMED PLAN
	)	
Debtor.	)	

A hearing on Debtor's Motion to Modify Confirmed Plan (doc. 51) was held April 21, 2011, with appearances as noted in the hearing minutes. Pursuant thereto, and in recognition of and compliance with the findings and conclusions entered on the record; now, therefore,

IT IS HEREBY ORDERED Bob's Bank's objection is overruled in part, and Debtor's motion is granted to the extent her confirmed plan (doc. 48) is modified as follows:

1. Debtor's monthly payment to Trustee Dale A. Wein is decreased from \$522.00 to \$472.00;

2. The plan term is extended six months with the last plan payment date now being May 23, 2015; and

3. If Debtor should default on her monthly plan payments as provided by this order and if such default remains uncured for at least 30 days, Trustee Wein may file an affidavit of default and this case will be converted to chapter 7, without further notice or hearing.

So ordered:

**SEE COMMITTEE NOTES ON FOLLOWING PAGE**



### **Committee Notes**

In the "IT IS HEREBY ORDERED PARAGRAPH," set forth each change being made to the debtor's confirmed plan.

If no objections to a motion to modify a confirmed plan are filed, the body of the order should read:

Upon consideration of Debtor's Motion to Modify Confirmed Plan (doc. 51) and the record before the Court; and it appearing no objections to the motion were timely filed after appropriate notice; and for cause shown; now, therefore,

IT IS HEREBY ORDERED Debtor's motion is granted, and her confirmed plan (doc. 48) is modified as set forth in the motion.

So ordered:

**Appendix 3F. Statement for Submission of Sample Ballots in Chapter 11 Case.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-00001
	)	Chapter 11
BOB'S FEED & SEED, INC.	)	
dba Bob's Feed Store	)	DEBTOR'S SAMPLE BALLOTS
TAX ID/EIN 10-0111111	)	
	)	
Debtor.	)	

Pursuant to Bankr. D.S.D. R. 3018-1(a), attached are Debtor's sample ballots for each class entitled to accept or reject Debtor's Plan Dated May 12, 2011.

Dated: May 13, 2011.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: [jjjlaw@legalline.net](mailto:jjjlaw@legalline.net)

**SEE COMMITTEE NOTES ON THE FOLLOWING PAGE**

### **Committee Notes**

Attach to the statement a sample ballot for each class that is entitled to vote on the plan. Each sample ballot should conform to Official Form 14. Do not include a response date for submitting the ballots. That date will be set by order when the disclosure statement is approved and is inserted by the plan proponent before the ballots are served on the creditors.

**Appendix 3G. Individual Chapter 11 Debtor's Certification and Request for Discharge and Entry of Final Decree (BAPCPA Case).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 04-40000
	)	Chapter 11
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	DEBTOR WADE G. EARNER'S
	)	CERTIFICATION AND
and	)	REQUEST FOR DISCHARGE
	)	AND ENTRY OF FINAL DECREE
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

[illegible]

I, Wade Guy Earner, one of the above-named debtors, being duly sworn upon oath, state as follows:

1. I am asking the Court to enter a discharge order and final decree in this case because I have completed all payments due under the confirmed plan and any subsequent modifications thereto as approved by the Court and have completed an instructional course concerning Personal Financial Management and have filed verification of the same with the Court

2. I confirm [check A or B]:

☐ 11 U.S.C. § 522(q)(1) does not apply because I have not claimed a homestead or other exemption specified in 11 U.S.C. § 522 (p)(1) in an amount greater than \$136,875;

OR

☐ Although I have claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(l) in an amount greater than \$136,875, 11 U.S.C. § 522(q)(1)(A) does not apply because I have not been convicted of a felony, as defined by 18 U.S.C. § 3156, that under the circumstances demonstrates the filing of the case was an abuse of the provisions of this Title 11 of the United

States Code, and 11 U.S.C. § 522(q)(1)(B) does not apply because I do not owe a debt arising from:

(i) any violation of the federal securities laws, as defined in § 3(a)(47) of the Securities Exchange Act of 1934, any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;

(ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or § 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;

(iii) any civil remedy under 18 U.S.C. § 1964; or

(iv) any criminal act, intentional tort or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years.

3. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

By signing this affidavit, I declare under penalty of perjury all of the statements contained herein and all of the information or documents submitted in support thereof are true and accurate and the Court may rely on the truth of each in determining whether to grant a discharge in this chapter 11 case. The Court may revoke my discharge if any of these statements or any of the information or documents submitted in support thereof are not true and accurate.

Dated: March 9, 2012.

/s/

Wade Guy Earner

Subscribed and sworn to before me this                      day of                      , 20                      .

(SEAL)

/s/

Notary Public

My commission expires:

**SEE COMMITTEE NOTES ON THE FOLLOWING PAGE**

### **Committee Notes**

The document must be completed in full, sworn to and signed in front of a Notary Public and filed with the Court in order to begin the discharge process.

Each debtor in a joint case must complete a separate document.

The amount of the homestead limitation in paragraph 2.b. adjusts every three years. Check a current Code for the present amount.

Any question a debtor may have pertaining to this document or declarations contained in this certification must be directed to the debtor's attorney, not the case trustee. The case trustee cannot provide legal advice to any debtor.

**Appendix 3H. Chapter 12 Debtor's Notice of Filing  
Final Report and Final Account.**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 10-40000
	)	Chapter 12
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	NOTICE OF FILING FINAL
	)	REPORT AND FINAL ACCOUNT
and	)	
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

Debtors have filed with the Court and served on the chapter 12 trustee a final report and final account. Debtors believe they have completed all payments under the plan, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(9).

Any party objecting to entry of discharge on the grounds that Debtors have failed to complete all plan payments, other than payments to holders of allowed claims provided for under 11 U.S.C. §§ 1222(b)(5) or 1222(b)(9), shall file a motion to dismiss on or before November 5, 2012 pursuant to Bankr. D.S.D. R. 3072-1A(a)(4).

If no party timely files a motion to dismiss for failure to complete all plan payments, a discharge of debts will be entered.

Dated: October 12, 2012.

/s/  
Joseph J. Jones, Esq.  
101 E. Legal Lane  
Justice, SD 57000-0000  
tele: (605)555-5555  
fax: (605)555-5556  
e-mail: jjjlaw@legalline.net

**SEE COMMITTEE NOTE ON FOLLOWING PAGE**

### **Committee Note**

For the last date for objections, use a business date that is 24 days after service of the notice.



**Appendix 3I. Chapter 13 Debtor's Certification and Request  
for Discharge (BAPCPA Case).**

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH DAKOTA

In re:	)	Bankr. No. 09-40000
	)	Chapter 13
WADE GUY EARNER	)	
aka W.G. Earner	)	
SSN/ITIN xxx-xx-0000	)	DEBTOR WADE EARNER'S
	)	CERTIFICATION AND
and	)	REQUEST FOR DISCHARGE
	)	
WANDA GAL EARNER	)	
SSN/ITIN xxx-xx-0001	)	
	)	
Debtors.	)	

STATE OF SOUTH DAKOTA	)
	) ss
COUNTY OF	)

I, an above-named debtor, being duly sworn upon oath, state as follows:

1. Eligibility. I am asking the Court to enter a discharge order in this case because I have completed all payments, including any disposable income payments, due under the confirmed plan and any subsequent modifications approved by the Court and I have completed an instructional course concerning Personal Financial Management and have filed verification of the same with the Court. I further state I have not received a discharge in a chapter 7, 11 or 12 bankruptcy case filed within four years before the filing of this chapter 13 bankruptcy case, and I have not received a discharge in another chapter 13 bankruptcy case filed within two years prior to the filing of this chapter 13 bankruptcy case

2. Domestic Support Obligation (check A or B and, if B is checked, complete B in full):

A. ☐ **NO** Support Debt. I have not been required by a judicial or administrative order or by statute to pay any Domestic Support Obligation, as defined by 11 U.S.C. § 101 (14A), either before this bankruptcy case was filed or any time

thereafter.

OR

B. ☐ Support Debt. I have been required to pay a Domestic Support Obligation, as defined by 11 U.S.C. § 101(14A), either before this bankruptcy case was filed or any time thereafter. I certify that prior to the date of this affidavit I have paid in full any Domestic Support Obligation payments required by a judicial or administrative order or by statute, including amounts due before or since this bankruptcy case was filed, to the extent provided by the confirmed plan and any subsequent modifications thereto.

The name and address of each holder of a Domestic Support Obligation are:

_____	_____
_____	_____
_____	_____
_____	_____

My most recent address(es) is/are:

_____	_____
_____	_____
_____	_____
_____	_____

The name and address of my most recent employer(s) is/are:

_____	_____
_____	_____
_____	_____
_____	_____

The following creditor(s) hold a claim that is not discharged under 11 U.S.C. § 523(a)(2) or (a)(4) [list name and address of each creditor or specify "NONE"]:

_____	_____
_____	_____
_____	_____
_____	_____

3. Application of 11 U.S.C. § 522(q). I confirm [check A or B]:

A. ☐ 11 U.S.C. § 522(q)(1) does not apply because I have not claimed a homestead or other exemption specified in 11 U.S.C. § 522 (p)(1) in an amount greater than \$136,875;

OR

B. ☐ Although I have claimed a homestead or other exemption specified in 11 U.S.C. § 522(p)(1) in an amount greater than \$136,875, 11 U.S.C. § 522(q)(1)(A) does not apply because I have not been convicted of a felony, as defined by 18 U.S.C. § 3156, that under the circumstances demonstrate the filing of the case was an abuse of the provisions of this Title 11 of the United States Code, and 11 U.S.C. § 522(q)(1)(B) does not apply because I do not owe a debt arising from:

(i) any violation of the federal securities laws, as defined in § 3(a)(47) of the Securities Exchange Act of 1934, any state securities laws, or any regulation or order issued under federal securities laws or state securities laws;

(ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under § 12 or § 15(d) of the Securities Exchange Act of 1934 or under § 6 of the Securities Act of 1933;

(iii) any civil remedy under 18 U.S.C. § 1964; or

(iv) any criminal act, intentional tort or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding five years.

4. There is not currently pending any proceeding in which I may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C. § 522(q)(1)(B).

By signing this affidavit, I declare under penalty of perjury all of the statements contained herein and all of the information or documents submitted in support thereof are true and accurate and the Court and the case trustee may rely on the truth of each in determining whether to grant a discharge in this chapter 13 case. The Court may revoke my/our discharge if any of these statements or any of the information or documents submitted in support thereof are not true and accurate.

Dated: March 9, 2012.

/s/  
Wade Guy Earner

Subscribed and sworn to before me this                      day of                      , 20                      .

(SEAL)

/s/  
Notary Public

My commission expires:

### **Committee Notes**

The document must be completed in full, sworn to and signed in front of a Notary Public and filed with the Court in order to begin the discharge process.

Each debtor in a joint case must complete a separate document.

The amount of the homestead limitation in paragraph 3.b. adjusts every three years. Check a current Code for the present amount.

Any question a debtor may have pertaining to this document or declarations contained in this certification must be directed to the debtor's attorney, not the case trustee. The case trustee cannot provide legal advice to any debtor.